

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF OHIO  
3 WESTERN DIVISION

3 UNITED STATES OF AMERICA, ) Docket No. 3:12CR431  
4 Plaintiffs, ) Toledo, Ohio  
5 v. ) December 20, 2013  
6 DUANE HILL, ) Sentencing  
7 Defendants. )

8 -----

9 TRANSCRIPT OF SENTENCING HEARING  
10 BEFORE THE HONORABLE JAMES G. CARR  
11 UNITED STATES DISTRICT JUDGE

12 APPEARANCES:

13 For the Plaintiffs: Alissa Sterling  
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17 For the Defendant:  
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21 AND

22 Mark C. Geudtner  
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25 Court Reporter: Angela D. Nixon, RMR, CRR  
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2   Proceedings recorded by mechanical stenography, transcript

3   produced by notereading.

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1           COURTROOM DEPUTY: Case 3:12CR431, United States  
2 of America versus Duane Hill.

3           THE COURT: Okay. The record should show that  
4 the defendant's present in court with his attorney and is  
5 this on by the way? Actually two attorneys, Mr. Mark  
6 Geudtner and Mr. Paul Geller. Government's represented by  
7 Assistant United States Attorney Alissa Sterling. Also  
8 present is Ms. Shawna Sizemoore, United States Pretrial  
9 Service and Probation Officer. This matter has been  
10 continued today -- to today for a hearing on an oral motion  
11 made by the defendant to vacate his plea following that  
12 motion and determination which led to the termination of  
13 the sentencing proceedings on Monday. I set this, as I  
14 say, for hearing today on that motion, and had the  
15 magistrate appoint Mr. Geudtner for purposes of  
16 representing the defendant at that motion.

17           Mr. Hill, I have a simple question for you. How  
18 do you want to proceed today? Do you want to proceed on  
19 the motion to withdraw? Do you want Mr. Geudtner to  
20 undertake to persuade me that good cause appears for your  
21 request to withdraw, or do you want me to proceed to  
22 sentencing? It's entirely up to you. What do you want to  
23 do?

24           THE DEFENDANT: I would like to proceed with  
25 sentencing.

1           THE COURT:   Okay.   So you would withdraw your  
2   previously made oral motion to vacate your plea?

3           THE DEFENDANT:   Yes.

4           THE COURT:   And have you had a chance to consult  
5   with Mr. Geudtner about that motion and how you should  
6   proceed?

7           THE DEFENDANT:   Yes.

8           THE COURT:   And are you fully and completely  
9   satisfied that he gave you and that motion enough time and  
10   attention to be in a position to advise you adequately and  
11   thoroughly about the different options that were ahead of  
12   you?

13          THE DEFENDANT:   Yes.

14          THE COURT:   And the actual and/or potential  
15   consequences of pursuing those options?

16          THE DEFENDANT:   Yes.

17          THE COURT:   Is there anything that you asked  
18   Mr. Geudtner to do that he did not do?

19          THE DEFENDANT:   No.

20          THE COURT:   Is there anything that you told him  
21   not to do that he did do?

22          THE DEFENDANT:   No.

23          THE COURT:   And you did read the presentence  
24   report?

25          THE DEFENDANT:   Yes.

1           THE COURT:  And did Mr. Geller go over it with  
2  you?

3           THE DEFENDANT:  Yes.

4           THE COURT:  Did he answer any questions you may  
5  have had about it?

6           THE DEFENDANT:  Yes.

7           THE COURT:  Did Mr. Geudtner happen to review it  
8  with you, or was that not the focus -- I don't want to know  
9  what you talked about, but let me just ask, did he go over  
10 the pre-sentence report with you?

11          THE DEFENDANT:  No.

12          THE COURT:  That's fine.  But Mr. Geller did?

13          THE DEFENDANT:  Yes.

14          THE COURT:  Okay.  And Mr. Geller has represented  
15 you from the time you were arrested or indicted; is that  
16 correct?

17          THE DEFENDANT:  Yes.

18          THE COURT:  And has he met with you from time to  
19 time?

20          THE DEFENDANT:  Yes.

21          THE COURT:  And about how many meetings, best of  
22 your recollection, I'm not asking for precise count, but  
23 about how many meetings?

24          THE DEFENDANT:  Fifteen.

25          THE COURT:  And were they -- where were you

1     housed at the time, here or up in Milan?

2                 THE DEFENDANT:   Both.

3                 THE COURT:   Okay.   And did those meetings take  
4     place in person?

5                 THE DEFENDANT:   Yes.

6                 THE COURT:   Were any by video conference, as best  
7     you can recall, okay?

8                 THE DEFENDANT:   Just the presentence  
9     investigation.

10                THE COURT:   Just the review of the report?

11                THE DEFENDANT:   Yes.

12                MR. GELLER:   That was for the investigation when  
13     Ms. Sizemoore spoke to him.   I personally was with him --

14                THE COURT:   I see, meeting with the probation  
15     officer?

16                MR. GELLER:   Correct.   I was with him.

17                THE COURT:   I understand.   I believe, Mr. Hill,  
18     on Monday I put you under oath; is that correct?

19                THE DEFENDANT:   Yes.

20                THE COURT:   You understand that you remain under  
21     oath and have been under oath while we've been talking this  
22     afternoon?

23                THE DEFENDANT:   I'm aware now.

24                THE COURT:   You're aware now.   Would you like me  
25     to have you sworn again?

1                   MS. STERLING: Yes, Your Honor. I could be  
2 wrong, but I don't believe we got to that portion.

3                   THE COURT: Why don't we go ahead and place  
4 Mr. Hill under oath.

5                                 DUANE HILL,  
6 was herein, called as if upon examination, was first duly  
7 sworn, as hereinafter certified, and said as follows:

8                   THE COURT: Mr. Hill, let's assume for the moment  
9 that I hadn't placed you under oath last time. I just  
10 have, if I were to ask you this afternoon the same  
11 questions I just asked you now that you are clearly under  
12 oath, would your answers be the same?

13                   THE DEFENDANT: Yes.

14                   THE COURT: And throughout the course of your  
15 meetings with Mr. Geller, do you believe that you are able  
16 to come to an understanding of what the government's  
17 evidence likely would be if you went to trial?

18                   THE DEFENDANT: Yes.

19                   THE COURT: So you feel yourself, to the extent  
20 that you can have that understanding, generally and fully  
21 aware of what the government would have presented at trial  
22 had you gone to trial?

23                   THE DEFENDANT: Yes.

24                   THE COURT: And are you satisfied that had you  
25 gone to trial, that the likelihood of conviction would have

1     been pretty great?

2                 THE DEFENDANT:   Yes.

3                 THE COURT:   Maybe, not sure and certain, but a  
4     whole lot more likely than not?

5                 THE DEFENDANT:   Yes.

6                 THE COURT:   And is it your understanding that if  
7     you had gone to trial, your potential sentence might have  
8     been a lot greater than it might be today?

9                 THE DEFENDANT:   Yes.

10                THE COURT:   And Mr. Geller discussed those things  
11     with you?

12                THE DEFENDANT:   Yes.

13                THE COURT:   Answered any questions you might have  
14     had about it?

15                THE DEFENDANT:   Yes.

16                THE COURT:   And I don't want to know what he told  
17     you, but he's giving you his advice and suggestions about  
18     what seemed to be the best choice among some terrible  
19     choices, do you understand what I'm saying?

20                THE DEFENDANT:   Yes.

21                THE COURT:   Nothing looked real good, right?

22                THE DEFENDANT:   Right.

23                THE COURT:   Everything looked more awful than you  
24     could have imagined?

25                THE DEFENDANT:   Right.



1           THE COURT: Especially at your young age. But  
2 are you confident that he thought through what it was he  
3 was suggesting to you, number one, that he gave it thought  
4 and attention before he said, you know, I really think you  
5 should do this, that or the other thing?

6           THE DEFENDANT: Yes.

7           THE COURT: And are you confident that to the  
8 best of your understanding, he also was aware of the likely  
9 evidence and the consequences of going to trial and being  
10 convicted?

11          THE DEFENDANT: Yes.

12          THE COURT: At any time did Mr. Geller do  
13 something you told him not to do?

14          THE DEFENDANT: No.

15          THE COURT: At any time did he fail to do  
16 something that you told him to do?

17          THE DEFENDANT: No.

18          THE COURT: In other words, if you told him to go  
19 see a witness, or think about a particular motion, or have  
20 a certain discussion with anybody, did he do those things?

21          THE DEFENDANT: Yes.

22          THE COURT: Or at least he told you he did them,  
23 correct?

24          THE DEFENDANT: Correct.

25          THE COURT: Obviously you couldn't go out and be

1 with him because you were detained, but he would come back  
2 and he would say I talked to so and so, I'm going to file  
3 this motion, or I'm not going to file this motion. And I  
4 talked to the prosecutor or whatever it was, he confirmed  
5 that he had done what you asked him to do.

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. Let me confirm the -- well,  
8 first of all, does counsel, just to confirm again, have you  
9 each received and reviewed the presentence report? If so,  
10 do you have any objections? And if not, are you prepared  
11 to proceed with sentencing?

12 MS. STERLING: Your Honor, we -- on behalf of the  
13 government, we have had an opportunity to thoroughly review  
14 the presentence report. We find it to be accurate in all  
15 respects, agree with the guideline calculations in there  
16 and have no objections.

17 THE COURT: Okay. Mr. Geller, have you received  
18 and reviewed the presentence report? If so, do you have  
19 any currently pending objections that haven't been  
20 resolved? And if not, are you prepared to proceed with  
21 sentencing?

22 MR. GELLER: Your Honor, we do have objections to  
23 the acceptance of responsibility and the enhancement.

24 THE COURT: I'm going to overrule those  
25 objections. I believe that the pretrial report accurately

1 reflects the circumstances, and the defendant, having  
2 undertaken however futile, particularly in the final  
3 analysis to withdraw his plea, I do have concerns about  
4 acceptance of responsibility, but I will hear you with  
5 regard to a variance. Do you understand that?

6 MR. GELLER: Yes, I do, Your Honor. Can I have  
7 one second? I'll explain what you just said to him. He  
8 does understand, Your Honor.

9 THE COURT: Okay. Okay. So basically if, and  
10 correct me if I'm wrong. I'm just reviewing the report.  
11 You object to the withholding of the three-point acceptance  
12 of responsibility and the imposition of a two-point  
13 enhancement; is that correct?

14 MR. GELLER: That's correct.

15 THE COURT: As presently calculated, just to  
16 confirm the guideline range, base offense level 36,  
17 criminal history category three. The guideline range as to  
18 Count 1 is 60 months, as to Count 2, 235 to 293 months, as  
19 to Count 3, 235 to 240 months; is that correct?

20 MS. STERLING: Yes, Your Honor.

21 THE COURT: Mr. Geller?

22 MR. GELLER: No -- yes, that's correct, Your  
23 Honor.

24 THE COURT: Okay. And if those five points had  
25 been on the credit sign of the ledger, the base offense

1 level would have been a 31.

2 MR. GELLER: Correct, Your Honor.

3 THE COURT: Criminal history category three, with  
4 a guideline range of 135 to 168 months?

5 MR. GELLER: That's correct.

6 THE COURT: And I will take that into  
7 consideration in determining whether a variance is  
8 appropriate. There is also a term of supervised release as  
9 to Count 1 and 3, three years; Count 2, five years and  
10 there is a restitution of \$300. And is there -- excuse me,  
11 special assessment, restitution of.

12 PROBATION: Yes, Your Honor, there's a request  
13 for \$240 of restitution.

14 THE COURT: Okay. And okay. There's no plea  
15 agreement; is that correct?

16 MS. STERLING: That is correct, Your Honor.

17 THE COURT: Okay. I do not want to forget this  
18 because it's important. Normally I wait until the end of  
19 sentencing. Because there's no plea agreement, among other  
20 things you retain your right to appeal your conviction and  
21 your sentence if grounds for appeal appear to exist. You  
22 have 14 days from today when I will enter my judgment to  
23 file a notice of appeal. Talk to Mr. Geudtner and  
24 Mr. Geller and get their best assessment of whether an  
25 appeal might have some merit. Do you understand what I've

1     said?

2                 THE DEFENDANT:   Yes.

3                 THE COURT:   If they -- if they believe that it  
4     does, then by all means have one of them file a notice of  
5     appeal on your behalf within 14 days.  If you fail to do  
6     so, you will lose forever whatever right you might  
7     otherwise have to challenge your conviction and your  
8     sentence by way of direct appeal, post conviction relief  
9     under 28 U.S. Code Section 2255, habeas corpus or  
10    otherwise.  Do you understand that?

11                THE DEFENDANT:   Yes.

12                THE COURT:   I will simply say that I have  
13    overruled two objections that may have a significant effect  
14    upon your sentence.  I do so on the basis of the statements  
15    by the probation officer, which I -- in response to those  
16    objections which I believe are not well taken, the  
17    objections are not.  I believe they're a statement in  
18    response thereto is well taken, and also as indicated  
19    having sought, I realize on a spur of the moment in an  
20    offhand way perhaps about the benefit of talking to anybody  
21    else, to withdraw your plea, that plus the other  
22    circumstances which the probation officer notes, is the  
23    reason for my denial of acceptance of responsibility.  I am  
24    aware of the effect upon those -- that decision upon the  
25    advisory guideline range of sentencing.  But the main

1     thing, if you want to appeal if after today you're unhappy  
2     with what I've done and believe that I've somehow violated  
3     the law and your rights, if you wish to appeal, you must  
4     file a notice of appeal within 14 days. Do you understand  
5     that?

6             THE DEFENDANT: Yes.

7             THE COURT: Okay. On behalf of the government?

8             MS. STERLING: Thank you, Your Honor.

9             THE COURT: And there is -- I have taken  
10    cognizance of the victim impact statement, and of course  
11    that will be taken into consideration, or I will take it  
12    into consideration in making my decision. And if you wish  
13    to either comment or have someone speak further on that,  
14    now is probably the time to do so.

15            MS. STERLING: Thank you, Your Honor.

16            THE COURT: If you wish. It's up to you.

17            MS. STERLING: Thank you, Your Honor. I would  
18    note for the record that I begin my comments here today  
19    that one of the investigating officers is here, Task Force  
20    Officer Pete Swartz from the Toledo Police Department, he's  
21    a member of the Northwest Ohio Internet Crimes Against  
22    Children.

23            THE COURT: Perrysburg police, did you say?

24            MS. STERLING: No, Toledo Police Department  
25    detective.

1           THE COURT: And he's welcome to come sit up at  
2 counsel table if he wishes.

3           MS. STERLING: I welcomed that, he doesn't feel  
4 like he's dressed appropriately for court.

5           THE COURT: Doesn't matter.

6           MS. STERLING: I told him that as well, but I  
7 think he's fine where he is.

8           THE COURT: I suppose he would come on up if I  
9 ordered him to do so but I won't do that. Okay. I  
10 understand.

11          MS. STERLING: Thank you, Your Honor. Also  
12 present for the record is the victim guardian ad litem  
13 attorney Maggie Mattimo. She's been actively involved  
14 throughout the case, was here on Monday and was kind enough  
15 to adjust her schedule to return here today. I begin my  
16 comments, I suspect where the facts giving rise to the  
17 instant case before The Court began, and that is in the  
18 spring of 2012. And I do that because I think it's  
19 important that Your Honor has the context in which the  
20 defendant's actions occurred.

21          Specifically on April 19th of 2012 this defendant  
22 was arrested for promoting prostitution in Wood County when  
23 Sharena Murphey (phonetic) was arrested in an undercover  
24 sting operation by Wood County officials. The facts of  
25 that investigation revealed that this defendant drove

1 Sharena to the Motel 6. When he was arrested, he first  
2 claimed that she was just a friend who he had dropped off  
3 to party. He later then claimed that she was his step  
4 sister, and although he gave her a ride to the motel, he  
5 had no idea why she wanted to go there. Also false fact  
6 because she's not his step sister. Sharena was interviewed  
7 at the time of her arrest of the prostitution and said the  
8 defendant took the photos of her that was posted on  
9 backpage.com that the undercover officer had ordered the  
10 date up on. She indicated the defendant had used prepaid  
11 cards to pay for the backpage adds, some of which the  
12 defendant had on his person at the time of his arrest.  
13 Your Honor, in April of 2012. She indicated that she had  
14 been prostituting for him for a while. In fact, he gave  
15 her rides to her dates, and she was aware of several other  
16 girls that he was prostituting, all of whom gave him their  
17 money in exchange for him providing them with clothing and  
18 food.

19 And finally, she indicated that he gave her  
20 condoms to use on this specific occasion in April of 2012.  
21 Defendant was arrested, as I said, he was released on bond  
22 on April 23rd, and later indicted for that charge in Wood  
23 County in June of 2012. He remained on bond, of course,  
24 with certain conditions that are standard in cases of that  
25 nature. In the shadow of all of that, Your Honor, it is



1    what brings us to the primary facts that led to the federal  
2    prosecution, that is the sex trafficking of a minor as  
3    charged in Count 2 of the indictment. The victim in this  
4    case was 16 years old at the time that the defendant posted  
5    her pictures on back page and started prostituting her. I  
6    would tell The Court that she was in the custody of a  
7    family member who was her guardian, Natasha Parker.  
8    Ms. Parker received information that the victim was posted  
9    on backpage. She went on, confirmed that for herself. Of  
10   course she was -- she was a minor at the time. So her  
11   guardian contacted backpage and reported that, asked them  
12   to take that down. She had numerous conversations with the  
13   victim in this case who was a runaway throughout periods of  
14   time of the relevant conduct here in. But she this  
15   conversation with her, she was very concerned, obviously  
16   was suspicious about her comings and goings and the  
17   activities she was involved in. And the victim told her  
18   that this defendant was her boyfriend and that he had  
19   talked her into prostituting.

20           On the day of the incident where this minor, this  
21   victim in our case was arrested, Your Honor, she traveled  
22   to the motel, again a Motel 6, this time here in Toledo,  
23   with her cousin, a young lady by the name of Sivney Davis  
24   (phonetic). Sivney was not a minor at the time but she  
25   traveled with her, and that was so because the ad that the

1     undercover officer responded to suggested that while you  
2     could have one of these girls for a date, why not have two  
3     or words to that effect. And so she -- the victim happened  
4     to be with her cousin at the time that she got the call and  
5     talked her into going along with her. She was with the  
6     victim when the two defendants charged in this case, this  
7     defendant and Mr. Devault, she's yet to be sentenced, Your  
8     Honor, picked them up and took them to the Motel 6. She  
9     says that prostitution was discussed openly in the vehicle  
10    on the way to the motel. It was discussed who would do  
11    what. There was discussion about money, there was  
12    discussion about condoms. In fact, they didn't have any,  
13    and there was a discussion about going to a nearby gas  
14    station to get some which they ultimately did.

15           THE COURT: Stealing them, correct?

16           MS. STERLING: Yes, Your Honor. In fact,  
17    Ms. Davis says that this defendant told her if you get  
18    arrested, just tell the police that you only know me as  
19    Strong, and that I just gave you a ride to the motel. That  
20    was the cover story that she was supposed to use. She  
21    further identified this defendant as her cousin's pimp,  
22    said her cousin had admitted to her that this defendant had  
23    been prostituting her for about three months. And then of  
24    course we get to the victim statement. On the date of the  
25    sting operation on August 8th, 2012 when she was arrested.

1 First of all, it's important to know that she never denied  
2 that she was there to prostitute, nor could she, quite  
3 frankly, given the conversation with the undercover officer  
4 in the hotel room. Initially she stuck with the cover  
5 story, said Strong rented the room for her, but claimed he  
6 didn't know what she was going to use the room for. Of  
7 course Your Honor's well aware of the evidence in the case  
8 and that this defendant rented the hotel room on  
9 August 8th, 2012. She initially denied giving Strong any  
10 money, but later claimed she did, in fact, give him money  
11 for driving her around. She was interviewed again a few  
12 days later by a victim witness specialist with the FBI,  
13 which was recorded. Your Honor, it's painful to watch.  
14 And Ms. Sizemoore can tell you, she came over and watched  
15 it in my office. It's one of those things that you don't  
16 really need audio. You could watch and understand what she  
17 was going through just to look at her. Her body language  
18 said it all. She's got her arms pulled into her sleeves.  
19 She's wrapped up like this when she's so focused on this  
20 defendant and what's happened to him and what's going on  
21 and still in this protection mode for him, no concern for  
22 himself -- for him.

23           When she discovers that he's being charged, he's  
24 been arrested, she cries out as if in physical pain.  
25 That's how upset she is to think that she had something to

1 do with this. And of course now she has been, and I'm not  
2 sure of the amount of time, if The Court's interested in  
3 that, Ms. Mattimo can answer that she has been in a  
4 treatment facility for an extended period of time. Now of  
5 course she realizes what he did to her. And I can't  
6 articulate it better than she does in the victim impact  
7 statement and I'm not going to. She readily acknowledged  
8 that he used her, that he manipulated her and that he  
9 turned her out. You know, Mr. Geller puts in the  
10 sentencing memorandum that, oh, his client just kind of  
11 came in on the tail end of this and this victim in  
12 particular, as well as the others they were all  
13 prostituting beforehand, he just got in, you know, enjoyed  
14 the fruits of their labor as he called it. There's no  
15 evidence of that whatsoever. In fact, to the contrary.  
16 The victim says that this is the first time that she  
17 prostituted, was at his direction.

18 And let's talk, Your Honor, about the defendant's  
19 statement. He was interviewed at the Wood County Jail with  
20 his attorney, Mr. Geller as well as AUSA Hurley. Also, I  
21 believe was back in August of 2012, because, of course, he  
22 ran from the scene of the sting operation, he and  
23 Mr. Devault both ran, hid out for awhile until they were  
24 able to get other people to come give them rides away from  
25 the area. His bond, however, was revoked in the Wood

1 County case, and he was subsequently picked up. And while  
2 he was in the Wood County jail, he made statements that are  
3 the factual basis for the obstruction count in the  
4 indictment to which he's pled guilty and been found guilty.  
5 Specifically he denies knowing the co-defendant's last  
6 name, completely false, Your Honor. He acknowledges in the  
7 PSR now that he grew up with Mr. Devault, that he knew him  
8 from over on Belmont. At that time he said he only knew  
9 the victim for a week or two before the sting at the hotel.  
10 Again, completely false. He now says that he had been  
11 prostituting her for a few months before, and of course he  
12 denied that he had stopped at a Speedway to buy condoms  
13 before the incident. The officers pushed him on that and,  
14 Your Honor, that might seem like a minor point, they pushed  
15 him over and over. Are you sure you didn't go there, you  
16 sure you didn't go there. He just would not admit it.  
17 Video evidence, oh, I guess we did, denies stealing, push,  
18 push, push, again just won't come off of it. When they  
19 asked him why he lied, he said, and this is in the 302,  
20 Your Honor, which I'm sure is attached. He deliberately  
21 lied to mislead investigators so that he would not get into  
22 trouble for what he did. He denied ever being on backpage  
23 or posting any girls for prostitution at that time. We  
24 know that's clearly false based upon the evidence that's  
25 before The Court, not to mention his comments to

1 Ms. Sizemoore during the PSR. He said he thought they were  
2 going to Motel 6 to party, and he didn't know they were  
3 going there to prostitute. Potentially that could be a  
4 plausible argument, Your Honor, but for the April incident  
5 where he tried to use the same story. And of course his --

6 THE COURT: And you have the credit card tracks.

7 MS. STERLING: That's my next comment, Your  
8 Honor. His phone number was the phone number used to set  
9 up the date, and there was open discussion in the vehicle  
10 about the prostituting. Today, as we sit here today, I  
11 haven't heard him speak yet. Of course he hasn't been  
12 given a chance, but in the PSR when he's interviewed by  
13 Ms. Sizemoore, he still has the audacity to say I'm not a  
14 pimp. He denies he's a pimp. He admits he made \$5,000 off  
15 of prostitution activities. Again, I point to The Court  
16 the fact that under the shadow of having already been  
17 charged and indicted, he continues to go out and commit  
18 these kind of crimes, and now has picked up a minor.

19 And finally, Your Honor, I want to leave you --  
20 the evidence in this case included, as always with the  
21 federal agencies, a thorough review of electronic data.  
22 Specifically, you know, whether it's Twitter or Facebook or  
23 whatever it might be. They always, you know, pursue all  
24 avenues and try and piece together bits of information.  
25 And this defendant, it's very apparent on his Facebook

1 page, Your Honor, under the work tab, he lists "break a  
2 bitch down," and lists himself as "the boss." And I ask  
3 you to think about that, Your Honor, about how he describes  
4 himself, and to think about his victim when you're imposing  
5 a sentence here today. Thank you.

6 THE COURT: Mr. Geller, on behalf of your client?

7 MR. GELLER: Yes, Your Honor.

8 THE COURT: Of course I have read your sentencing  
9 memorandum. You may proceed.

10 MR. GELLER: May it please The Court, obviously  
11 nothing positive can be said about prostitution,  
12 prostitution of young girls, but I think The Court has to  
13 look at the realm that he is in as compared to others who  
14 have come before this court and other courts. This  
15 actually all started, the conspiracy with three other  
16 people, one young lady, Anesha, who was his girlfriend at  
17 the time from all my understanding, and by her own  
18 admission and my interviewing her, she -- and again,  
19 there's no excuses. This behavior is never an excuse. She  
20 was doing it, there were postings, he got involved in it.  
21 And that's what continued. Anesha wound up being pregnant  
22 and she stopped, but for a period of several months, they  
23 were together, they were boyfriend, girlfriend. Court  
24 shows -- he's totally admitted it. Down the road with  
25 Sharena Murphey, she was in the neighborhood and, in a

1 sense, we can't deny because of her addiction she wanted to  
2 make money, and therefore, he was aware of that from the  
3 neighborhood. So he participated. Again, making no light  
4 of it, or minimizing it, he was introduced, according to  
5 him, his mother who's in court today who I have every  
6 believability to A.W. through Taurus Devault, and they  
7 developed a friendship, a relationship. There's some  
8 debate how long that was, three, four, five, six, seven  
9 weeks, even one time Taurus Devault brought A.W. to the  
10 wedding reception that he was at, the mother verified that,  
11 that she was brought so they were together. Shawna  
12 Sizemoore puts down in her report, and she indicates about  
13 the minor victim and her engaging in this, it doesn't  
14 excuse anything, that's the hard part, because it's not  
15 excusable. But in sentencing, it has to be where does he  
16 fit in the realm of people who are prostituting, pimp,  
17 whatever word you want to use, pimp is an ugly word, maybe  
18 he doesn't consider himself in the classic sense where he  
19 recruits the girl. It's sort of interesting, and I know  
20 there was a lot of discussion whether the girl who  
21 literally introduced him, to my understanding, to the world  
22 of prostitution or the world of backpage, they thought  
23 about charging her because she clearly was heavily  
24 involved. She picked him up at the motel that night and  
25 A.W. was arrested or taken into custody when that set up



1     was made. But yet, and maybe it's a good thing, maybe  
2     she's learned her lessons from all this, but she was as  
3     much involved, and I think the police are well aware of it,  
4     but that doesn't take away his responsibility. To him, in  
5     a sense, it was sort of a sad game because it was a way of  
6     making money, how willing a participant is, a  
7     psychological, A.W, at her young age obviously cannot make  
8     those decisions. There's no question she lived a very  
9     troubled lifestyle. And that lifestyle was picked up on.  
10    I've known Duane now probably six, seven, eight years,  
11    probably him and his mother. I've represented him in his  
12    other matters, starting with a little incident at the  
13    Maumee theaters where he was not at fault and the case in  
14    front of Judge McDonald. He's not a vicious violent  
15    person. He has -- he's very immature. His relationship  
16    with females, he has, I think the probation report says  
17    six, but he says seven children. He's in close contact  
18    with most of the children. His mother has brought them up  
19    to the jail, these children, and so has some of the mothers  
20    who he still stays in contact with.

21           THE COURT: And I note six children by six  
22    different women.

23           MR. GELLER: Right.

24           THE COURT: Is one a year.

25           MR. GELLER: Excuse me?

1           THE COURT: One a year.

2           MR. GELLER: There's no question that's that  
3 immaturity, irresponsibility, Your Honor. I'm not  
4 minimizing it.

5           THE COURT: Who's going to care for those  
6 children? Who's going to provide support? Who's going to  
7 bring them up to know something about right and wrong?  
8 Their grandmother, their aunt, their mothers, their  
9 mothers. Candidly, I'll be very honest, I don't comprehend  
10 that behavior. I live in a different world, I understand  
11 that. But the attitude of reckless indifference towards  
12 young women that that kind of conduct shows, again and  
13 again and again and again, candidly, is one of those  
14 natures and circumstances of the defendant whose  
15 background, history and characteristic that I take into  
16 account. I just want you to know that.

17          MR. GELLER: But I would say, Your Honor --

18          THE COURT: Those children are doomed. The  
19 likelihood that they're going to wind up sitting where he  
20 is in some court somewhere is so overwhelmingly  
21 substantial. There's nothing I can do about it. Nothing  
22 anybody can do about it. He didn't care. And I really  
23 think that that's kind of a emblematic as read this  
24 presentence report. May have nothing directly to do with  
25 the crimes that he's committed as acknowledged and pled

1 guilty to committing, but it tells me something about his  
2 basic character and attitude towards other people. But go  
3 ahead.

4 MR. GELLER: But as I was indicating, I've seen  
5 him with his children when in custody because when I  
6 visited other people, and, you're right, his family who is  
7 sitting here today, a very strong good family, his mother  
8 did have him, that's her only child, and to be honest with  
9 The Court, his mother is well aware of two things, the  
10 irresponsibility, but also his love for his children and  
11 how he does, in a sense, not in the traditional sense, he  
12 does have relationships with the different children, and he  
13 has kept relationships as far as trips with their mothers  
14 so that these children have been visiting him while up in  
15 Milan. There's no question when he got arrested the first  
16 time and then he was released on bond, when he spoke to the  
17 police officers, they had all the videos, I was with him.  
18 It was, as The Court said, it's this reckless indifference  
19 in the committing of a crime not thinking and committing  
20 criminal acts. And basically at that time the police knew  
21 everything. He did tell them who the other person was, he  
22 described him and everything else about him, so it wasn't  
23 very hard. Mr. Devault was eventually picked up.

24 And I noticed at least Mr. Hill admits that  
25 the -- starting what he was doing goes back to the

1 beginning to the young lady named Ronesha (phonetic). But  
2 there's other things that went on for a period of time. He  
3 was with Mr. Devault quite a bit, the two of them went  
4 together. There's no excuses for what happened. It comes  
5 out to the level of where would put him between the ten  
6 year, the guidelines if he had the 31, criminal history  
7 category three, and the 36 criminal category like I put in  
8 my memorandum, where's he fit as far as the violence, his  
9 arrest, the coercion, he doesn't get any award, even on the  
10 low end of the variance around a 31. If The Court wants to  
11 go there, which we're obviously asking The Court to do,  
12 that's a long time. If The Court goes higher, and gives --  
13 he will be getting the same sentences that people who beat  
14 up these girls.

15 THE COURT: I sentenced someone last year in  
16 Arizona to 140 months that committed thoughtless, senseless  
17 murder, pled to second degree, okay, so I understand.

18 MR. GELLER: Okay.

19 THE COURT: Okay.

20 MR. GELLER: What I'm saying to The Court is  
21 we're asking for a fair sentence. There's a lot of things  
22 he's done wrong in his life. There's a lot of immaturity,  
23 but I'm just asking The Court to look within the range of  
24 what he has done and that, as bad as it is, he's not --  
25 he's far from the worse that this court has seen. Thank

1     you.

2                 THE COURT:  Mr. Hill, you have the right to speak  
3     on your own behalf before I decide --

4                 MR. GUEDNTNER:  Your Honor, may I briefly address  
5     The Court?

6                 THE COURT:  Mr. Geudtner, of course.  By all  
7     means.

8                 MR. GUEDNTNER:  Judge, I come to this case rather  
9     lately, in fact, just since Monday of this week.  But I've  
10    had the opportunity to review the docket sheet and all the  
11    documents referenced there, as well as Ms. Sizemoore's  
12    presentence investigation report.  And it occurs to me in  
13    reviewing the case materials -- and I have not, I have to  
14    say, had an opportunity to review all the discovery  
15    materials but it occurs to me that if proportionality is  
16    the basis for and the objective of the United States  
17    sentencing guidelines, The Court should consider and  
18    compare Mr. Hill's case to another very similar case that  
19    Your Honor sentenced in this courthouse in June of this  
20    year.  That would be case of my former client Roy Calhoun.  
21    Mr. Calhoun received a sentence of 15 years pursuant to a  
22    plea agreement that he entered into with AUSA James Maroni  
23    of Cleveland and Ava Dustin of Toledo.  In that case the  
24    government and the defendant entered into an agreement  
25    pursuant to Criminal Rule 11(c)(1)(C).

1 THE COURT: I remember that. Go ahead.

2 MR. GUEDNTNER: Agreeing to a sentence of 15  
3 years. Like Mr. Hill here, Mr. Calhoun was convicted of  
4 conspiracy to engage in prostitution and sex trafficking of  
5 children under the age of 18. Mr. Calhoun was also  
6 convicted of a separate drug trafficking conspiracy which  
7 he --

8 THE COURT: He undertook while in the Lucas  
9 County jail.

10 MR. GUEDNTNER: I was just going to say that, in  
11 the Lucas County Jail after his arrest.

12 THE COURT: There were also efforts, if memory  
13 serves, to suborn or at least influence perspective  
14 witnesses. I remember that.

15 MR. GUEDNTNER: There's no allegations of any  
16 drug trafficking activities in Mr. Hill's case. The  
17 evidence in Mr. Calhoun's case also indicated that he used  
18 violence and threats of violence in order to compel the  
19 girls who work for him to do as he instructed them. And  
20 Ms. Sizemoore, as you might recall, is well aware of this  
21 case because she prepared his presentence investigation  
22 report. Mr. Hill is not alleged to have engaged in or  
23 threatened any violence. It appears that Ms. Sizemoore's  
24 report that each of the women Duane worked with have been  
25 engaged in the sex trade before they ever become acquainted

1 with him. The evidence in Mr. Calhoun's case is he had  
2 been in the prostitution business for over two years. And  
3 Mr. Hill appears to have been involved to no more than six  
4 months prior to his indictment in this case.

5 THE COURT: Also there was an interstate aspect  
6 of what Calhoun did, going down to Kentucky.

7 MR. GUEDNTNER: Kentucky, New York and Michigan.

8 THE COURT: Apparently he had other places he had  
9 gone to. I remember that.

10 MR. GUEDNTNER: So if proportionality is the goal  
11 of the U.S. Sentencing Guidelines, it seems to me that the  
12 15 year sentence that Your Honor imposed on Mr. Calhoun or  
13 in Mr. Calhoun's case established -- and that Duane Hill  
14 whose illegal conduct, which he admits, but which is  
15 significantly less than egregious than Mr. Calhoun's,  
16 should receive a sentence substantially below Mr. Calhoun's  
17 case. Thank you, Your Honor.

18 THE COURT: Mr. Hill, you have the right to speak  
19 on your own behalf before I decide what I'm going to do.

20 THE DEFENDANT: I would first like to start off  
21 by apologizing to the victims and the victims' families. I  
22 also would like to apologize to The Courts for their  
23 inconvenience I may have caused. I realize that what I  
24 have done -- I realize that I have done wrong and now I'm  
25 going to suffer the consequences for my actions.

1           Honorable Judge Carr, I ask you to please take  
2   this time to evaluate my character and evaluate me as a  
3   person. As you can see from my criminal history, I'm not a  
4   trouble maker, nor am I a violent person. I made some  
5   minor mistakes along the way, but I have the upmost respect  
6   for the law. I would like the courts to know that I am a  
7   Godbearing man, I have morals and values. I am a good  
8   father to my kids. I was raised with a strong family  
9   support system. The last few years of my life leading up  
10  to this incident I've been pursuing my college degree and I  
11  was working part-time jobs.

12           Yes, Your Honor, I've done wrong, and I accept  
13  full responsibility for my wrongdoings. But I want you to  
14  know this was not my lifestyle. I let a five to six month  
15  period of my life destroy everything I've worked hard to  
16  become, and I not only disappointed myself, but I  
17  disappointed my family. I made these mistakes, but we all  
18  make mistakes, no one's perfect. I'm sorry, Your Honor.  
19  Can I -- that's all.

20           THE COURT: Ms. Sterling, anything further on  
21  behalf of the government?

22           MS. STERLING: Your Honor, just a few brief  
23  comments that respond to what Mr. Geudtner had said and, of  
24  course, Your Honor, Ms. Sizemoore are in the ideal position  
25  to recall the facts of Mr. Calhoun's case; however, it does



1 occur to me, as I sit here, that, first of all,  
2 Mr. Calhoun's case was a binding plea agreement which I  
3 know is unusual not only for this courthouse but in  
4 particular for you. So I don't know if the proportionality  
5 argument, you may have gone higher, I don't know. But for  
6 whatever reason, agreed to enter into a binding.

7 Secondly, I don't believe Mr. Calhoun was charged  
8 or convicted of obstructing, which, as we all know, have a  
9 very, very serious offense in this courthouse in  
10 particular.

11 THE COURT: And rarely prosecuted. Sometimes  
12 taken into account in the PSI. I'm not sure, this may be  
13 the second or third prosecution of that sort.

14 MS. STERLING: And finally, Your Honor, as I  
15 began my comments I'll end, at the time that this defendant  
16 committed sex trafficking of a minor in Count 2, he was  
17 under indictment for the exact type of conduct that is  
18 promoting prostitution and didn't care.

19 THE COURT: Shawna, you got a second, please?  
20 I'm going to step down for two minutes.

21 (A side bar conference was had off the  
22 record.)

23 THE COURT: You may be seated. Mr. Hill, I'm  
24 going to sentence you to a term of 200 months with credit  
25 for time served, and I'll explain my reasons to you and

1 your family and others who are here in light of the factors  
2 I am required by law to take into consideration.

3 First and formally to pronounce sentence,  
4 pursuant to the Sentencing Reform Act of 1984 and 18 U.S.  
5 Code Section 3553(a), it's the judgment of this court that  
6 the defendant be and hereby is committed to the custody of  
7 the bureau of prisons to serve a term of 200 months. You  
8 will receive credit for the time spent in federal custody  
9 while awaiting final disposition of this case. I will  
10 break the sentence down as follows. As to Count 1, the  
11 term is 60 months; as to Count 2, it's 200 months; as to  
12 Count 3, it's 200 months. Those terms are to be served  
13 concurrently with each other.

14 As to Count 1 it will be a three year term of  
15 supervised release; as to Count 2, there will be a term of  
16 five years supervised release. Counts 2 -- and 1 and three  
17 years supervised release; Count 2, five years of supervised  
18 release. Those terms, likewise, will be served  
19 concurrently.

20 Within 72 hours of being released from the  
21 custody of the Bureau of Prisons you shall report in person  
22 to the United States Pretrial Service and Probation office  
23 in this district or the probation office in the district in  
24 which you are released. While on supervised release, you  
25 shall comply with all standard conditions of supervised

1 release adopted by this court, of which you'll be made  
2 aware with your attorneys later this afternoon before you  
3 are remanded to custody, and of course upon beginning  
4 supervision when you meet with your probation officer.

5 In addition, there'll be certain special  
6 conditions of supervised release. Among them, these shall  
7 be that you shall diligently seek to obtain, and if you  
8 diligently seek -- you shall diligently seek to maintain  
9 lawful, gainful employment. And you should cooperate fully  
10 and completely with the probation officer in his or her  
11 efforts to help you in that regard. Again, I do not know  
12 whether there's a special -- standard condition of  
13 supervised release, however, you can -- you will not  
14 possess a firearm, dangerous weapon or dangerous instrument  
15 or destructive device. You can never again in your entire  
16 life possess a firearm. Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: If you do and are caught, you will be  
19 prosecuted and you'll go to jail for up to five or six more  
20 years. I simply want to warn you, that's not just a  
21 condition of supervised release because you are a convicted  
22 felon, the law absolutely prohibits you from possessing a  
23 firearm. Illegal possession of firearms is a very serious  
24 offense and one that's prosecuted vigorously in this court.  
25 In fact, this offense is probably the most significant --

1 the major kind of case that's on my docket.

2           You shall register under the Sex Offender  
3 Registration Act, you must comply with the requirements of  
4 that act as directed by the probation officer. Likewise,  
5 pursuant to the Adam Walsh Child Protection Act of 2006 you  
6 should register as a sexual offender not later than three  
7 business days from your release following your release from  
8 custody; and thereafter you shall maintain that  
9 registration current in each jurisdiction in which you  
10 reside or are employed as a student or otherwise find  
11 yourself for more than three business days. Failure to do  
12 so is a serious federal crime and that, likewise, gets  
13 prosecuted. It's also a state crime which gets prosecuted.  
14 You will abide by all rules and minor protection and  
15 restriction program of the United States Pretrial Service  
16 and Probation Officer. You shall submit to mental health  
17 evaluation and treatment, substance abuse treatment and  
18 treatment to determine whether you have developed an abuse  
19 of alcohol all at the discretion of the United States  
20 Pretrial Service and Probation Officer.

21           You shall not have contact with the victim or  
22 victim's family, including by way of letters, communication  
23 devices, visual devices, visits or any other contact of any  
24 kind whatsoever, including contact through third parties.  
25 You shall not own or possess any kind of camera,

1 photographic device and/or equipment, including video  
2 recording equipment without the prior written approval of  
3 the probation officer. That includes cell phones or  
4 anything of that sort. You shall not access any computer,  
5 internet service provider, bulletin board system or any  
6 other public or private computer in network services at any  
7 location, including employment or education, without the  
8 prior written approval of the United States Pretrial and  
9 Service and Probation Officer or The Court. Any such  
10 approval shall be subject to any conditions set by the U.S.  
11 Pretrial Service and Probation Office or The Court.

12           You should submit your person, residence, place  
13 of business, computer, if allowed to use one, and/or  
14 vehicle to a warrantless search conducted and controlled by  
15 the U.S. Pretrial Services and Probation Officer in a  
16 reasonable time and reasonable manner based on reasonable  
17 suspicion that you are in possession of contraband or  
18 evidence of a violation of condition of release or  
19 commission of a crime. Any computer found is subject to  
20 seizure and/or search without a prior warrant. Failure to  
21 submit to these conditions, these conditions, will be  
22 grounds for revocation. You shall inform any other  
23 resident of any premises where you are residing that the  
24 premises may be subject to search under this condition.

25           You should cooperate in the collection of DNA as

1 directed by the probation officer or the bureau of prisons.  
2 In the event that you are fortunate enough to have what is  
3 called a financial windfall, in other words, monies  
4 received from income tax refunds, lottery winnings,  
5 judgments, royalties or any other anticipated unexpected  
6 financial gains, will go to outstanding court ordered  
7 financial obligation.

8 I will recommend that your place of confinement  
9 be at Milan Correctional Institution, which is the nearest  
10 federal institution; however, given the nature of your  
11 activities and the prior criminal record, the bureau may or  
12 may not abide by that recommendation which I make most  
13 strongly; however, it's out of my control to determine  
14 where you will be placed and whether or not you will be --  
15 it'll be in a location that makes it possible for your  
16 family to visit you. I think it's important that they do  
17 so. They've come here today in rather remarkable number,  
18 and I hope that you and they are able to maintain contact  
19 on a frequent basis so that you are aware of their support  
20 and how they look forward to your return home, although  
21 it's going to be a long time away. I understand that.

22 I'll explain my reasons for my very severe  
23 sentence this afternoon. You shall pay a special  
24 assessment of \$300 to the United States which is due  
25 immediately. It will be taken from your prison earnings.

1 And you shall also pay restitution of \$240 as restitution  
2 to the victim of this offense. And that shall be paid  
3 through the United States District Court. And that payment  
4 is also due and payable immediately to be taken from your  
5 prison earnings. In the event that you still owe any  
6 money, which I can't imagine you will, upon release from  
7 confinement, you'll be required to pay \$25 a month until  
8 that amount is paid. Any other conditions I should  
9 specifically note, Ms. Sizemoore?

10 PROBATION: No, Your Honor.

11 THE COURT: I have considered the Section 3553(a)  
12 factors that I'm required to consider in determining what  
13 sentence is sufficient but not greater than necessary to  
14 accomplish the purposes of sentencing. A very important  
15 factor in this instance is the very high degree of  
16 seriousness of this offense. You basically have  
17 participated in what used to be called the corruption of a  
18 minor. I think that that remains a fair and accurate term.  
19 That young woman, no matter how she may have appeared or  
20 what she did, was still a child, and that is why the law  
21 protects her. And no one of that age should be subjected  
22 and even given the opportunity to be subjected to or given  
23 the opportunity to engage in the conduct which you  
24 undertook to facilitate and did facilitate. One does not  
25 even have to read the victim impact statement, which I have

1     done, and it is a powerful condemnation of what you did to  
2     her and its lasting effects.

3             There'll be a time when you come home and you're  
4     out of prison and you've served your time and go about your  
5     life. That young woman will bear the scars of your conduct  
6     for her entire life. She will never overcome them. She  
7     will never outgrow them. They'll be a fact and feature of  
8     her life forever. You didn't think about that, perhaps she  
9     didn't think about that. But in the eyes of the law and  
10    society, she was incapable of understanding the  
11    consequences that you helped to cause and to have happen.  
12    Very serious offense. And I want people in this community  
13    to understand men who treat women, especially young women  
14    the way you did, when they are caught violating federal law  
15    will be convicted. And when they are convicted, they will  
16    be punished severely, more severely than most defendants  
17    who appear before me who have committed what some might  
18    label less serious, or excuse me, more serious offenses.

19            My sentence is motivated in substantial part by  
20    the seriousness of this offense, and as well what I view to  
21    be a need for public deterrence. The cases on my docket  
22    and elsewhere in this court have made clear that somehow  
23    our community has become a sore city for prostitution, not  
24    just here where you were active, but elsewhere within this  
25    region. That has to come to a stop. Men like you who prey



1 on young women are going to go to prison for a long time  
2 until men like you learn that that's not something you  
3 should be doing to the children and young women of our  
4 community, even adult young women. So I am seeking, to the  
5 extent -- to the maximum extent possible, to cause others  
6 in your position who may be tempted to do as you did, to  
7 understand the risk that they are taking. It's my sincere  
8 hope, as I've often said before, that the United States  
9 government will do all in its power to see that this  
10 sentence and the circumstances are communicated to the  
11 public. After that, whether the public pays attention and  
12 other young men heed this lesson that I'm trying to have  
13 them learn through this sentence is up to them. And if  
14 they do not, they will come back here, and either one or  
15 two of my colleagues will do to them what I am doing to  
16 you. But I want the record to be made clear that one of  
17 the purposes I'm trying to serve is public deterrence.

18           Unfortunately, the public all too often is  
19 unaware, as you certainly were unaware, you're under  
20 indictment in Wood County in April, and in July what are  
21 you doing? You're facilitating the prostitution of a 15  
22 year old child. The fact of indictment, the risk of  
23 whatever sentence you were exposed to, obviously made no  
24 difference to you. You're going to go about doing the  
25 business the way you wanted to do it for whatever personal

1 gain and gratification you could attain. You didn't know  
2 the consequences. You were no doubt dumb struck when  
3 Mr. Geller first told you the kind of time you were looking  
4 at. You had no idea. That's because the public isn't  
5 paying attention. I hope every one of you in this room  
6 makes clear to your friends, your neighbors and others with  
7 whom you deal what will happen if others do what Mr. Hill  
8 did. And they can walk out on this lesson if they want,  
9 shame on them, but I mean that seriously. Let your friends  
10 and neighbors know what happens when people get caught  
11 corrupting young children, turning them out into  
12 prostitution and they come before this court. And not just  
13 this Judge, but every Judge in this court. In fact, I  
14 suspect I may have been more lenient than some of my  
15 colleagues might have been under the same circumstances.  
16 The word has to get out into our community that doing this  
17 to young girls will not be tolerated and will cost those  
18 who commit crimes like this to lose a very substantial  
19 portion of what should be the best and most productive  
20 years of their lives.

21 I hope that this sentence enhances respect for  
22 the law. I believe, all things considered, that it is  
23 just. I have taken the defendant's background, history and  
24 characteristic into full and complete account. I think  
25 that this sentence also is necessary to make clear to him

1   there's nothing else in his past, that to violate the law  
2   has its consequences and will have its consequences.  
3   People don't get it. Federal court and federal laws are  
4   different. They are vastly more punitive and vastly more  
5   harsh. In a case like this, this is exactly the way it  
6   should be, and it will be in cases that come before me like  
7   this in the future.

8           And I also think that this sentence serves what  
9   in this case clearly is a necessary function and purpose,  
10   and that is simple incapacitation. Your days of corrupting  
11   the children of this community are done. And that's a very  
12   important purpose to serve. Mr. Geudtner quite properly  
13   called my attention to the case of Mr. Calhoun. In some  
14   respect, his conduct was worse than yours. It also  
15   involved a young woman taken across state lines down to  
16   Kentucky for purposes of prostitution. There was an  
17   indication in his background that he had done so on a  
18   number of occasions to other states with other women. He  
19   also undertook, like yourself, despite being indicted in  
20   that case in this court to engage in drug dealing while an  
21   inmate of the Lucas County Jail. I believe that was the  
22   circumstances; is that correct, Ms. Sterling?

23           MS. STERLING: Your Honor, I am not familiar with  
24   the facts of that case.

25           THE COURT: Ms. Sizemoore, is that right?

1           PROBATION: He was reaching out to family members  
2 to continue dealing drugs.

3           THE COURT: That's right. On the other hand, he  
4 pled guilty. He accepted responsibility, and he got the  
5 credit for that. And the conduct that he committed while  
6 under indictment was not the sort of conduct that you  
7 committed while under indictment down in Wood County. And  
8 I think that there is a difference between your case and  
9 his that accommodates for the fact that you're going to  
10 serve 20 more months than he did.

11           Anything further that I should mention with  
12 regard to Section 3553(a) factors, Ms. Sterling?

13           MS. STERLING: No, Your Honor. Thank you.

14           THE COURT: Mr. Geller, Mr. Geudtner, anything  
15 further that I should touch upon with regard to the --

16           MR. GELLER: No, Your Honor.

17           THE COURT: -- Section 3553(a) factors? Does any  
18 party have any objection to any part of these proceedings,  
19 not just the sentencing proceeding, but any part of the  
20 prior proceedings that has not previously been made?

21           MS. STERLING: Nothing on behalf of the  
22 government, Your Honor. Thank you.

23           THE COURT: Mr. Geller?

24           MR. GELLER: Not at this time.

25           THE COURT: Mr. Geudtner?

1           MR. GUEDNTNER: Excuse me, we reserve our right  
2 to appeal.

3           THE COURT: Absolutely. And once again,  
4 Mr. Hill, you have received a very severe sentence. I  
5 understand that. Let me say a couple things. Some day you  
6 will return home. You will be on supervised release for a  
7 term of five years. I hope that when you come back, you  
8 understand that there are rules, rules that not just  
9 society imposes which you broke and which is why you are  
10 here, but rules that I have imposed in the terms and  
11 conditions of supervised release. Those rules are not  
12 optional. They are court orders. The Judge, and quite  
13 candidly, I probably won't be here given my age, but  
14 whatever Judge is responsible for overseeing your term of  
15 supervised release, will expect you to comply with what  
16 then will be his or her orders. Do not think you can pick  
17 and choose which of those requirements you can satisfy and  
18 which you can disregard. You are expected to comply with  
19 each and every one of them.

20           And one final thing, overcome the habit of being  
21 anything other than entirely truthful with the probation  
22 officer. If you're not truthful with the probation officer  
23 in federal court, you are lying to the United States  
24 District Judge. And I hope how I have conducted myself  
25 today makes you understand that United States District

1 Judges, and I am not alone in this, are not tolerant of  
2 behavior that they find unacceptable. So keep that in  
3 mind. Things are different in this court than they are in  
4 the Municipal Court or the Common Pleas Court. And keep  
5 that in mind. The Judge is your ultimate probation  
6 officer. Work with The Judge, work with the office. You  
7 will, in fact, be able to get a job. You will, in fact, be  
8 able to live the kind of life that apparently, with a lot  
9 of exceptions, but at least in terms of serious violations  
10 you had avoided those. But if you work it, you can, in  
11 fact, spend the remaining half of your life, and there'll  
12 be at least that much that will remain to you being  
13 productive, and being a law abiding. And the choice will  
14 be yours. Anything further from the government?

15 MS. STERLING: No, Your Honor. Thank you.

16 THE COURT: Ms. Sizemoore, anything further?

17 PROBATION: No, Your Honor.

18 MR. GELLER: No, Your Honor.

19 MR. GUEDNTNER: No.

20 THE COURT: That will conclude this it  
21 proceeding.

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## C E R T I F I C A T E

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I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled matter.

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s:/Angela D. Nixon

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Angela D. Nixon, RMR, CRR

Date

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